

# House File 566 - Enrolled

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HOUSE FILE 566

AN ACT

RELATING TO FIELD DENTAL CLINICS FOR THE PURPOSES OF THE  
VOLUNTEER HEALTH CARE PROVIDER PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135.24, Code 2007, is amended to read  
as follows:

135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM ESTABLISHED  
== IMMUNITY FROM CIVIL LIABILITY.

1. The director shall establish within the department a  
program to provide to eligible hospitals, clinics, free  
clinics, field dental clinics, or other health care  
facilities, health care referral programs, or charitable  
organizations, free medical, dental, chiropractic,  
pharmaceutical, nursing, optometric, psychological, social  
work, behavioral science, podiatric, physical therapy,  
occupational therapy, respiratory therapy, and emergency  
medical care services given on a voluntary basis by health  
care providers. A participating health care provider shall  
register with the department and obtain from the department a  
list of eligible, participating hospitals, clinics, free  
clinics, field dental clinics, or other health care  
facilities, health care referral programs, or charitable  
organizations.

2. The department, in consultation with the department of  
human services, shall adopt rules to implement the volunteer  
health care provider program which shall include the  
following:

a. Procedures for registration of health care providers  
deemed qualified by the board of medical examiners, the board  
of physician assistant examiners, the board of dental  
examiners, the board of nursing, the board of chiropractic  
examiners, the board of psychology examiners, the board of  
social work examiners, the board of behavioral science  
examiners, the board of pharmacy examiners, the board of  
optometry examiners, the board of podiatry examiners, the  
board of physical and occupational therapy examiners, the  
state board for respiratory care, and the Iowa department of  
public health, as applicable.

b. Procedures for registration of free clinics and field  
dental clinics.

c. Criteria for and identification of hospitals, clinics,  
free clinics, field dental clinics, or other health care  
facilities, health care referral programs, or charitable  
organizations, eligible to participate in the provision of  
free medical, dental, chiropractic, pharmaceutical, nursing,  
optometric, psychological, social work, behavioral science,  
podiatric, physical therapy, occupational therapy, respiratory  
therapy, or emergency medical care services through the  
volunteer health care provider program. A free clinic, a  
field dental clinic, a health care facility, a health care  
referral program, a charitable organization, or a health care  
provider participating in the program shall not bill or charge  
a patient for any health care provider service provided under  
the volunteer health care provider program.

d. Identification of the services to be provided under the  
program. The services provided may include, but shall not be  
limited to, obstetrical and gynecological medical services,  
psychiatric services provided by a physician licensed under  
chapter 148, 150, or 150A, dental services provided under  
chapter 153, or other services provided under chapter 147A,  
148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C,  
154D, or 155A.

3. A health care provider providing free care under this  
section shall be considered an employee of the state under  
chapter 669 and shall be afforded protection as an employee of  
the state under section 669.21, provided that the health care  
provider has done all of the following:

a. Registered with the department pursuant to subsection  
1.

3 4 b. Provided medical, dental, chiropractic, pharmaceutical,  
3 5 nursing, optometric, psychological, social work, behavioral  
3 6 science, podiatric, physical therapy, occupational therapy,  
3 7 respiratory therapy, or emergency medical care services  
3 8 through a hospital, clinic, free clinic, field dental clinic,  
3 9 or other health care facility, health care referral program,  
3 10 or charitable organization listed as eligible and  
3 11 participating by the department pursuant to subsection 1.

3 12 4. A free clinic providing free care under this section  
3 13 shall be considered a state agency solely for the purposes of  
3 14 this section and chapter 669 and shall be afforded protection  
3 15 under chapter 669 as a state agency for all claims arising  
3 16 from the provision of free care by a health care provider  
3 17 registered under subsection 3 who is providing services at the  
3 18 free clinic in accordance with this section or from the  
3 19 provision of free care by a health care provider who is  
3 20 covered by adequate medical malpractice insurance as  
3 21 determined by the department, if the free clinic has  
3 22 registered with the department pursuant to subsection 1.

3 23 4A. A field dental clinic providing free care under this  
3 24 section shall be considered a state agency solely for the  
3 25 purposes of this section and chapter 669 and shall be afforded  
3 26 protection under chapter 669 as a state agency for all claims  
3 27 arising from the provision of free care by a health care  
3 28 provider registered under subsection 3 who is providing  
3 29 services at the field dental clinic in accordance with this  
3 30 section or from the provision of free care by a health care  
3 31 provider who is covered by adequate medical malpractice  
3 32 insurance as determined by the department, if the field dental  
3 33 clinic has registered with the department pursuant to  
3 34 subsection 1.

3 35 5. For the purposes of this section:

4 1 a. "Charitable organization" means a charitable  
4 2 organization within the meaning of section 501(c)(3) of the  
4 3 Internal Revenue Code which has as its primary purpose the  
4 4 sponsorship or support of programs designed to improve the  
4 5 quality, awareness, and availability of chiropractic, dental,  
4 6 medical, pharmaceutical, nursing, optometric, psychological,  
4 7 social work, behavioral science, podiatric, physical therapy,  
4 8 occupational therapy, respiratory therapy, or emergency  
4 9 medical care services to children and to serve as a funding  
4 10 mechanism for provision of chiropractic, dental, medical,  
4 11 pharmaceutical, nursing, optometric, psychological, social  
4 12 work, behavioral science, podiatric, physical therapy,  
4 13 occupational therapy, respiratory therapy, or emergency  
4 14 medical care services, including but not limited to  
4 15 immunizations, to children in this state.

4 16 b. "Field dental clinic" means a dental clinic temporarily  
4 17 or periodically erected at a location utilizing mobile dental  
4 18 equipment, instruments, or supplies, as necessary, to provide  
4 19 dental services.

4 20 ~~b.~~ c. "Free clinic" means a facility, other than a  
4 21 hospital or health care provider's office which is exempt from  
4 22 taxation under section 501(c)(3) of the Internal Revenue Code  
4 23 and which has as its sole purpose the provision of health care  
4 24 services without charge to individuals who are otherwise  
4 25 unable to pay for the services.

4 26 ~~c.~~ d. "Health care provider" means a physician licensed  
4 27 under chapter 148, 150, or 150A, a chiropractor licensed under  
4 28 chapter 151, a physical therapist licensed pursuant to chapter  
4 29 148A, an occupational therapist licensed pursuant to chapter  
4 30 148B, a podiatrist licensed pursuant to chapter 149, a  
4 31 physician assistant licensed and practicing under a  
4 32 supervising physician pursuant to chapter 148C, a licensed  
4 33 practical nurse, a registered nurse, or an advanced registered  
4 34 nurse practitioner licensed pursuant to chapter 152 or 152E, a  
4 35 respiratory therapist licensed pursuant to chapter 152B, a  
5 1 dentist, dental hygienist, or dental assistant registered or  
5 2 licensed to practice under chapter 153, an optometrist  
5 3 licensed pursuant to chapter 154, a psychologist licensed  
5 4 pursuant to chapter 154B, a social worker licensed pursuant to  
5 5 chapter 154C, a mental health counselor or a marital and  
5 6 family therapist licensed pursuant to chapter 154D, a  
5 7 pharmacist licensed pursuant to chapter 155A, or an emergency  
5 8 medical care provider certified pursuant to chapter 147A.

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PATRICK J. MURPHY  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and  
is known as House File 566, Eighty-second General Assembly.

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MARK BRANDSGARD  
Chief Clerk of the House

Approved \_\_\_\_\_, 2007

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CHESTER J. CULVER  
Governor